

**AN ORDINANCE BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE AMENDING CHAPTER 98, ARTICLE II, DIVISION 1, OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, ON BEHALF OF THE DEPARTMENT OF POLICE, BY CREATING A NEW SECTION 98-46 ENTITLED "FEES FOR FINGERPRINTING SERVICES" AND RENUMBERING THE SUCCEEDING SECTIONS ACCORDINGLY, FOR THE PURPOSE OF AUTHORIZING THE ASSESSMENT OF A FEE FOR FINGERPRINTING SERVICES WHICH ARE PROVIDED BY THE DEPARTMENT OF POLICE TO THE PUBLIC, IN ORDER TO OFF-SET THE COSTS OF PROVIDING SUCH SERVICES, SUCH FEE TO BE ACCOUNTED FOR BY THE DEPARTMENT OF POLICE AND PAID INTO THE CITY'S TREASURY, TO EXEMPT APPLICANTS FOR EMPLOYMENT WITH THE CITY OF ATLANTA FROM PAYING THIS FEE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (City) through the Atlanta Police Department (APD) currently, upon request, provides a service to the public of placing a person's fingerprints onto cards and certifying that such fingerprints are authentic; and

WHEREAS, the APD also provides this service to all persons who apply for permits issued by the City of Atlanta, when such permit seekers are required by the City of Atlanta to be fingerprinted; and

WHEREAS, persons seeking employment with the City of Atlanta are also required to be so fingerprinted; and

WHEREAS, an analysis, performed by the APD, shows that the cost to the City of providing such fingerprinting services in 2006 to have been approximately sixteen dollars (\$16.00) per set of fingerprints, (See analysis attached hereto as Exhibit 'A'); and

WHEREAS, in 2006, four thousand eight hundred (4800) fingerprint cards were completed by the APD; and

WHEREAS, the APD currently provides these fingerprinting services free of charge; and

WHEREAS, both Fulton County and Cobb county currently charge twenty-five dollars (\$25.00) to provide these services, while Dekalb County charges five dollars (\$5.00), (Exhibit 'B'); and

WHEREAS, the City desires to implement a twenty dollar (\$20.00) fee to be charged to persons seeking these fingerprinting services in order to off-set the cost to the City of providing the same;

WHEREAS, the City desires that persons requiring such fingerprinting services due to their status as applicants for employment with the City of Atlanta be exempt from this fee.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS,
as follows:**

Section 1: That Chapter 98, Article II, Division 1, Sections 98-46 through 98-51 of the City of Atlanta Code of Ordinances which currently reads as follows:

Sec. 98-46. Candidates addressing employees at police facilities.

It shall be unlawful for candidates for any office, public or private, to address employees of the department of police at any police facility. The police chief, deputy chiefs, majors or other officers in charge of the facility are directed to prevent and prohibit any speaking by candidates advocating their election to office. It is not the intention of this section to prevent candidates for office from visiting any facility and speaking to individual employees of the department of police, but it shall be unlawful for them to make public speeches or to converse with the members to such an extent as to interfere with the discharge of their duties. It shall be the duty of the police chief, deputy chief or majors and other officers in charge of the facility to see that compliance with this section is enforced and that no one, by public speaking, personal consultation or otherwise, shall obstruct or interfere with any police officer in the discharge of the officer's duties.

Cross references: Elections, ch. 66.

Sec. 98-47. Issuance and revocation of press or media identification cards.

(a) *Issuance.* The police chief or the chief's designee is authorized to issue press or media identification cards entitling the holder thereof to pass police lines for the purpose of gathering and editing spot news or photographing news events in the city. Such press or media identification cards shall be issued to those engaged in gathering reports, editing or photographing current news events for newspapers, press associations, newsreels, television stations and radio stations.

(b) *Revocation.*

(1) The police chief or the chief's designee is vested with the authority to revoke any press or media identification card for improper use thereof by the holder, and upon notice thereof to the employer it shall be the duty of the holder and the employer to immediately surrender the press or media identification card so revoked.

(2) Any abuse or willful violation of these stipulations by the holder or the employer may result in revocation of the card.

(3) A revoked card may not be reinstated to a media representative without a letter from the representative's employer stating why the card should be reinstated. Reinstatement of a revoked media identification card will then be left to the discretion of the police chief or the chief's designee.

(c) *Penalty.* No person shall counterfeit or imitate or attempt to counterfeit or to imitate any such press or media identification card so issued by the police chief or the chief's designee nor shall any person use or exhibit or attempt to use or exhibit any such press or media identification card or any card similar in appearance thereto for the purpose of obtaining press privileges or of passing police lines without authority of the police chief or the chief's designee nor shall any person represent that such person is a holder of such press or media identification card, unless such person is the actual authorized holder. Any person convicted of violating this section shall be subject to a fine up to \$1,000.00.

Sec. 98-48. Destruction of dangerous or deadly weapons used in commission of crimes.

(a) Any bludgeon, metal knuckles, firearm or knife, designed for the purpose of offense and defense, or any other dangerous or deadly weapon or instrument of like kind used in the commission of a crime is declared to be a nuisance per se.

(b) The police chief is authorized and directed to destroy all dangerous or deadly weapons used in the commission of a crime. The police chief or a designee shall wait one year from date of conviction or after the exhaustion of any appeals related to the case before destroying the weapon.

(c) Whenever the department of police or any of the officers thereof receive or take pistols, knives, metal knuckles and similar weapons as unclaimed property or from prisoners or others, these weapons shall not be sold by the department of police or any of the officers thereof, but they shall be destroyed. The police chief or the chief's designee shall be authorized to destroy these weapons.

Sec. 98-49. Disposal of stolen property.

Any property which may be obtained or received by the police from persons who have stolen it or otherwise shall be disposed of in the following manner:

(1) *Sale authorized.* The police chief or the chief's designee is authorized to sell unclaimed property at public auction pursuant to the procedure set forth in this section. All the property shall be taken to the property management section and safely kept for 60 days. If after that time it shall be unclaimed by persons making satisfactory proof of title, the police chief shall, for two days, put an advertisement in the newspaper in which the city's advertisements are published, describing the property to be sold in lots, and giving such information about the property as will put the owner or other persons having knowledge thereof on notice that, at the expiration of 20 days, the property will be subject to sale. The advertisement shall also state the time and place the property shall be sold and that the proceeds shall be turned in to the city treasury. The advertisement shall also state that, within 20 days of the last advertisement provided for in this subsection, any person making satisfactory proof of title or any person who shall claim title to the property advertised shall have the right to request a hearing before the

police chief or a designee to establish, by evidence, proof of title to the property claimed. Upon request for a hearing, the police chief or a designee, shall, within ten days, set a time and place for the hearing and shall notify the person claiming title to the advertised property of the hearing. If there is no request for a hearing within the time specified in this subsection, or if at the time set for a hearing there is no satisfactory proof of ownership, the police chief is authorized to proceed with a sale of the property.

(2) *Records required.* The police chief shall keep a complete record showing when the property came into the possession of the department of police, where it was found or from whom it was taken, a description of the property, when it is claimed and by whom or when advertised and when and for what amount sold.

(3) *Disposition of proceeds.* All money arising from these sales shall be turned over to the chief financial officer.

(4) *Police use of unclaimed property.* The property which has been processed for sale at public auction, as provided by this section, may in the discretion of the police chief be utilized by the department of police with records of the property's disposition maintained as provided by this section.

Sec. 98-50. Donations of horses and dogs for police purposes.

(a) The police chief is authorized to accept donations of horses and dogs from private donors on behalf of the city for legitimate police uses and purposes, after suitability has been established by the department of police, and to institute appropriate inventory controls which allow for practical and humane disposition of animals which are determined to be no longer suited to police uses and purposes.

(b) The police chief shall develop an appropriate standard operating procedure governing the acceptance of horses and dogs from private donors and the humane disposition of such horses and dogs.

Cross references: Animals, ch. 18.

Sec. 98-51. Authorization for the chief of police to administer oath of office for sworn police officers.

The police chief or the chief's designee is authorized, in accordance with Georgia law, to administer the oath of office to all sworn police officers employed by the City of Atlanta. When taken, the officer shall sign the official oath and copies thereof shall be filed with the Fulton County Probate Court and in the personnel records of the officer so sworn. That oath shall take the following form:

I, _____, do solemnly swear (or affirm) that I am duly qualified, according to the Constitution and laws of Georgia, to perform the duties imposed upon me as a Police Officer of the City of Atlanta, Georgia, and that I will, to the best of my

(b) *Revocation.*

(1) The police chief or the chief's designee is vested with the authority to revoke any press or media identification card for improper use thereof by the holder, and upon notice thereof to the employer it shall be the duty of the holder and the employer to immediately surrender the press or media identification card so revoked.

(2) Any abuse or willful violation of these stipulations by the holder or the employer may result in revocation of the card.

(3) A revoked card may not be reinstated to a media representative without a letter from the representative's employer stating why the card should be reinstated. Reinstatement of a revoked media identification card will then be left to the discretion of the police chief or the chief's designee.

(c) *Penalty.* No person shall counterfeit or imitate or attempt to counterfeit or to imitate any such press or media identification card so issued by the police chief or the chief's designee nor shall any person use or exhibit or attempt to use or exhibit any such press or media identification card or any card similar in appearance thereto for the purpose of obtaining press privileges or of passing police lines without authority of the police chief or the chief's designee nor shall any person represent that such person is a holder of such press or media identification card, unless such person is the actual authorized holder. Any person convicted of violating this section shall be subject to a fine up to \$1,000.00.

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(b) The police chief is authorized and directed to destroy all dangerous or deadly weapons used in the commission of a crime. The police chief or a designee shall wait one year from date of conviction or after the exhaustion of any appeals related to the case before destroying the weapon.

(c) Whenever the department of police or any of the officers thereof receive or take pistols, knives, metal knuckles and similar weapons as unclaimed property or from prisoners or others, these weapons shall not be sold by the department of police or any of the officers thereof, but they shall be destroyed. The police chief or the chief's designee shall be authorized to destroy these weapons.

ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of the United States of America and the Constitution of the State of Georgia.

I swear that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I am prohibited from holding by the laws of the State of Georgia, nor am I the holder of any unaccounted for public money due this state or any political subdivision or authority thereof.

I further swear that I will enforce the criminal laws of the State of Georgia and the ordinances of the City of Atlanta, abide by the rules and standard operating procedures governing the Atlanta Police Department, adhere to the Law Enforcement Code of Ethics published by the International Association of Chiefs of Police, and uphold the Ethics Code of the City of Atlanta. In doing so, I will be mindful of the trust that has been placed in me to improve the quality of life and make every effort to live up to that trust. I will not persecute the innocent, nor help to shield the guilty, nor will I be influenced in the discharge of my duties by fear, favor, or affection, reward, or the hope thereof. So help me God.

(Ord. No. 2002-71, § 74, 9-16-02; Ord. No. 2004-15, § 1, 5-11-04; Ord. No. 2006-70, § 1, 10-11-06)

be hereby amended such as Chapter 98, Article II, Division 1, Sections 98-46 through 98-51 be renumbered as Sections 98-47 through 98-52 as follows:

Sec. 98-47. Candidates addressing employees at police facilities.

It shall be unlawful for candidates for any office, public or private, to address employees of the department of police at any police facility. The police chief, deputy chiefs, majors or other officers in charge of the facility are directed to prevent and prohibit any speaking by candidates advocating their election to office. It is not the intention of this section to prevent candidates for office from visiting any facility and speaking to individual employees of the department of police, but it shall be unlawful for them to make public speeches or to converse with the members to such an extent as to interfere with the discharge of their duties. It shall be the duty of the police chief, deputy chief or majors and other officers in charge of the facility to see that compliance with this section is enforced and that no one, by public speaking, personal consultation or otherwise, shall obstruct or interfere with any police officer in the discharge of the officer's duties.

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(4) *Police use of unclaimed property.* The property which has been processed for sale at public auction, as provided by this section, may in the discretion of the police chief be utilized by the department of police with records of the property's disposition maintained as provided by this section.

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(a) The police chief is authorized to accept donations of horses and dogs from private donors on behalf of the city for legitimate police uses and purposes, after suitability has been established by the department of police, and to institute appropriate inventory controls which allow for practical and humane disposition of animals which are determined to be no longer suited to police uses and purposes.

- (b) The police chief shall develop an appropriate standard operating procedure governing the acceptance of horses and dogs from private donors and the humane disposition of such horses and dogs.

Cross references: Animals, ch. 18.

Sec. 98-52. Authorization for the chief of police to administer oath of office for sworn police officers.

The police chief or the chief's designee is authorized, in accordance with Georgia law, to administer the oath of office to all sworn police officers employed by the City of Atlanta. When taken, the officer shall sign the official oath and copies thereof shall be filed with the Fulton County Probate Court and in the personnel records of the officer so sworn. That oath shall take the following form:

I, _____, do solemnly swear (or affirm) that I am duly qualified, according to the Constitution and laws of Georgia, to perform the duties imposed upon me as a Police Officer of the City of Atlanta, Georgia, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of the United States of America and the Constitution of the State of Georgia.

I swear that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I am prohibited from holding by the laws of the State of Georgia, nor am I the holder of any unaccounted for public money due this state or any political subdivision or authority thereof.


I further swear that I will enforce the criminal laws of the State of Georgia and the ordinances of the City of Atlanta, abide by the rules and standard operating procedures governing the Atlanta Police Department, adhere to the Law Enforcement Code of Ethics published by the International Association of Chiefs of Police, and uphold the Ethics Code of the City of Atlanta. In doing so, I will be mindful of the trust that has been placed in me to improve the quality of life and make every effort to live up to that trust. I will not persecute the innocent, nor help to shield the guilty, nor will I be influenced in the discharge of my duties by fear, favor, or affection, reward, or the hope thereof. So help me God.

(Ord. No. 2002-71, § 74, 9-16-02; Ord. No. 2004-15, § 1, 5-11-04; Ord. No. 2006-70, § 1, 10-11-06)

Section 2: That Chapter 98, Article II, Division 1 of the City of Atlanta Code of Ordinances be hereby amended to add a new Section 98-46 which shall read:

Sec. 98-46. Fees for fingerprinting services.

- (a) The department of police is authorized to charge a fee of \$20.00 for each set of fingerprint cards produced and authenticated by the department.

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- (b) Fees so collected shall be accounted for by the department of police and shall be forwarded to the department of finance to be paid into the city's treasury through the medium of a miscellaneous receipt.
 - (c) Persons requiring fingerprinting services due to their status as applicants for employment with the City of Atlanta shall not be required to pay a fee for these fingerprinting services.

Section 3: That all ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Investigator Kurt Braunsroth

Contact Number: (404) 853-4266

Originating Department: Department of Police

Committee(s) of Purview: Public Safety and Legal Administration

Council Deadline: 2 May 2008

Anticipated Committee Meeting Date(s): 13-14 May 2008

Anticipated Full Council Date: 19 May 2008

Commissioner Signature: D/C George W. Turner

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE AMENDING CHAPTER 98, ARTICLE II, DIVISION 1, OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, ON BEHALF OF THE DEPARTMENT OF POLICE, BY CREATING A NEW SECTION 98-46 ENTITLED "FEES FOR FINGERPRINTING SERVICES" AND RENUMBERING THE SUCCEEDING SECTIONS ACCORDINGLY, FOR THE PURPOSE OF AUTHORIZING THE ASSESSMENT OF A FEE FOR FINGERPRINTING SERVICES WHICH ARE PROVIDED BY THE DEPARTMENT OF POLICE TO THE PUBLIC, IN ORDER TO OFF-SET THE COSTS OF PROVIDING SUCH SERVICES, SUCH FEE TO BE ACCOUNTED FOR BY THE DEPARTMENT OF POLICE AND PAID INTO THE CITY'S TREASURY, TO EXEMPT APPLICANTS FOR EMPLOYMENT WITH THE CITY OF ATLANTA FROM PAYING THIS FEE; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)

Mayor's Staff Only _____

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: RC/2 5/2/08 Reviewed by: _____
(date) (date)

Submitted to Council: _____
(date)